

Samuel H. Ruby (CSB#191091)  
Judith A. Whitehouse (CSB#198176)  
Paris Scott (CSB#248899)  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701  
samuel.ruby@bullivant.com  
judith.whitehouse@bullivant.com  
paris.scott@bullivant.com

Attorneys for Defendant  
Travelers Indemnity Company of Connecticut

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LA VELDA SINGLETON dba LOVE AND  
CARE PRESCHOOL,

Plaintiff,

vs.

TRAVELERS INDEMNITY COMPANY OF  
CONNECTICUT,

Defendant.

Case No.: C 08-1852 CW

**TRAVELERS' OBJECTIONS TO  
PLAINTIFF'S EVIDENCE IN  
OPPOSITION TO TRAVELERS' RULE  
12 MOTIONS**

The Travelers Indemnity Company of Connecticut ("Travelers") objects to the evidence submitted by Plaintiff in support of its opposition to Travelers' Rule 12 motions as follows:

1. The entirety of the Declaration of Francis X. Doherty in Opposition to Travelers' Rule 12 Motions is irrelevant extrinsic evidence because it does not contain any facts relevant to the allegations of the Complaint. The Court, in reviewing Rule 12 motions must consider only the facts alleged in the pleadings, documents attached as exhibits, and matters of judicial notice. United States v. Ritchie, 342 F.3d 903, 908 (9th Cir. 2003). The Declaration of Francis X. Doherty and

exhibits in support thereof contain facts that are nowhere mentioned in the Complaint or in the exhibits attached thereto. Furthermore, Plaintiff's proffered evidence is not subject to judicial notice pursuant to Fed. R. Evid. 201(b).

2. Declaration of Francis X. Doherty, Exhibits A through F: lacks foundation of authenticity, unauthenticated documents, hearsay. Mr. Doherty, counsel for Plaintiff herein, lacks personal knowledge to authenticate the documents attached to his declaration. Nothing in the declaration establishes Mr. Doherty's knowledge of the alleged facts. Mr. Doherty fails to even include the customary conclusion that his declaration is made on personal knowledge. In addition, the documents, which are proffered to establish the truth of the matters asserted therein, constitute inadmissible hearsay.

3. Paragraph 9 of the Declaration of Francis X. Doherty: hearsay. The statements by city officials, which are proffered to establish the truth of the matters asserted therein, constitute inadmissible hearsay.

Travelers respectfully requests that the Court sustain these objections, reject the proffered evidence, and disregard the Declaration of Francis X. Doherty and Exhibits A through F attached thereto.

DATED: May 8, 2008

BULLIVANT HOUSER BAILEY PC

By 

Samuel H. Ruby, SBN 191091  
Judith A. Whitehouse, SBN 198176  
Paris Scott, SBN 248899

Attorneys for Defendant Travelers Indemnity  
Company of Connecticut

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